



## Virginia Commission on Youth 2014 Legislative Studies and Initiatives

### COURT APPOINTED ATTORNEYS IN CHILD WELFARE CASES FINDINGS AND RECCOMENDATIONS ADOPTED RECOMMENDATIONS IN BLUE

Findings/Conclusions	Adopted Recommendations
<p><b>Finding 1 – Need for Improved Compensation Structure</b></p> <p>Compensation of court-appointed counsel for parents in child dependency cases in Virginia often does not reflect the amount of time and effort put forward by an attorney.</p> <p>The compensation rate is capped at \$120 in district court and \$158 in circuit court per appealable order. A waiver is not available, unlike in criminal matters. In addition, cases typically require more than one hearing.</p> <p>Counsel appointed to represent an indigent accused in a criminal case have been able to request waivers above the \$120/\$158 cap since the passage of Senate Bill 1168 in 2007. Currently, the budget appropriates \$4.2 million per year in the biennium from the general fund for increased reimbursements for court-appointed counsel pursuant to § 19.2-163, <i>Code of Virginia</i>.</p>	<ol style="list-style-type: none"> <li>1. Allow court-appointed counsel for parents in child welfare cases to submit a waiver application for additional compensation above the current cap for all stages of a child dependency case.</li> </ol>

Findings/Conclusions	Adopted Recommendations
<p>Guardian Ad Litem (GALs) are compensated \$75/hour for in-court work and \$55 for out-of-court work. GALs are not capped at \$120/\$158 and there is no limitation on the payments for hours that are documented and approved by the judge who appointed the GAL.</p>	
<p><b>Finding 2 – Encourage Training and Support Efforts</b></p> <p>Lack of specialized training, support, and defined best practices for parents' court-appointed counsel were all highlighted by stakeholders as being potential obstacles to quality representation.</p> <p>The Virginia Court Improvement Program provides comprehensive training for attorneys that serve as Guardian Ad Litem for children and parents, CASA volunteers, and Department of Social Services legal counsel. However, attorneys that serve as court-appointed counsel for parents in child welfare cases are not required to meet any additional qualifications.</p> <p>The Virginia Court Improvement Program already has a framework established to provide specified training for court-appointed counsel for parents in child welfare cases and has done so most recently in 2012. The main concern with additional training requirements is that since attorneys already view these types of cases as pro bono they will balk at the idea of additional training and stop accepting these appointments.</p>	